



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/520492

Rec'd PTO

30 JAN 2006

#3

Applicants: Buser-Doepner et al.
Serial No.: 10/520,492 - Case No.: 21125YP
Filed: January 7, 2005
For: Mitotic Kinesin Binding Site

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

In compliance with the Notification of Missing Requirements dated 12/13/2005 Applicants hereby submit the executed Declaration and Power of Attorney in the above-referenced patent application.

Please charge deposit account 13-2755 the surcharge of \$130.00 for the submission of this document.

Further to the Notification referenced above, Applicants are unclear as to the requirement of a \$200.00 fee for 1 independent claim over 3. According to the Transmittal Concerning a Filing Under 35 USC 371 (see page 2), the fee for 4 independent claims was already paid through Deposit Account 13-2755. A copy of the Transmittal is enclosed with this response. Applicants respectfully suggest that the matter of an additional claim fee needs further clarification. As such, no authorization to pay the additional fee is given with this response.

02/02/2006 MKAYPAGH 00000162 132755 10520492

01 FC:1614 200.00 DA

Respectfully submitted,

By

Vineet Kohli, Registration No. 37,003
Attorney for Applicants

MERCK & CO., INC.
P.O. Box 2000
Rahway, New Jersey 07065-0907
Telephone No. (732) 594-3889

Date: January 26, 2006

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name

Signature

1/26/06
Date

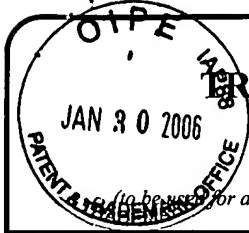
PTO

30 JAN 2006

PTO SB 21 09-04

Substitute for PTO/SB/21 (09-04) "Transmittal Form"
Applicable for use through 07/31/2006. OMB 0651-0031
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PCF \$



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|----|------------------------|---------------------------------|
| Total Number of Pages in This Submission | 16 | Application Number | 10/520,492 |
| | | Filing Date | January 7, 2005 |
| | | First Named Inventor | Carolyn A. Buser-Doepner et al. |
| | | Art Unit | |
| | | Examiner Name | |
| | | Attorney Docket Number | 21125YP |

ENCLOSURES (Check all that apply)

| | | |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please Identify below): |
| Remarks Transmitting: Response to Notification of Missing Requirements Executed Declaration & Power of Attorney (2) Copy of Notification of Missing Requirements Copy of Transmittal Letter Concerning a Filing Under 35 USC 371 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|-----------|--------------|-----------------------------------|-----------|
| Name | Vineet Kohli | Registration No. (Attorney/Agent) | 37,003 |
| Signature | | Date | 1/26/2006 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this date: January 26, 2006

| | | | |
|-----------------------|-----------------|------|----------|
| Typed or printed name | Terri Schiffman | Date | 01/26/06 |
| Signature | | | |

21125YP



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| | | |
|-----------------------------|-------------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/520,492 | Carolyn A Buser-Doepner | 21125YP |

| |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/US03/21145

| | |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|

07/03/2003

07/08/2002

210
 MERCK AND CO., INC
 P O BOX 2000
 RAHWAY, NJ 07065-0907

HOCKETTEL

DEC 16 2005

CHRISTINE A. GUFFE

CONFIRMATION NO. 7022

371 FORMALITIES LETTER



OC000000017638489

Notice of Missing
 Parts Due
 By
 2-13-06

Date Mailed: 12/13/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/07/2005
- Copy of the International Search Report filed on 01/07/2005
- Copy of IPE Report filed on 01/07/2005
- Preliminary Amendments filed on 01/07/2005
- Biochemical Sequence Diskette filed on 01/07/2005
- Oath or Declaration filed on 01/07/2005
- Biochemical Sequence Listing filed on 01/07/2005
- U.S. Basic National Fees filed on 01/07/2005
- Priority Documents filed on 01/07/2005
- Power of Attorney filed on 01/07/2005
- Specification filed on 01/07/2005
- Claims filed on 01/07/2005
- Abstracts filed on 01/07/2005
- Drawings filed on 01/07/2005

COPY

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$200 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application

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 12/21/05

by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$200** for a Large Entity:

- Total additional claim fee(s) for this application is **\$ 200**
 - **\$200** for 1 independent claims over 3.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

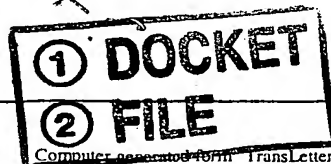
PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/520,492 | PCT/US03/21145 | 21125YP |

| | | | |
|---|---|---|--|
| U. S. PATENT AND TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE | | ATTORNEY'S DOCKET NUMBER 21125YP | |
| | | U.S. APPLICATION NO. (if known, see 37 CFR 1.5) | |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | DOCKETED JAN 10 2005 LORLSCHEPISI | |
| INTERNATIONAL APPLICATION NO. PCT/US2003/021145 | INTERNATIONAL FILING DATE 03 July 2003 | | |
| TITLE OF INVENTION MITOTIC KINESIN BINDING SITE | | | |
| COPY | | | |
| APPLICANT(S) FOR DO/EO/US Carolyn A. Buser-Doepner; Paul J. Coleman; Christopher D. Cox; Mark E. Fraley; Robert M. Garbaccio; George D. Hartman; David C. Heimbrook; Lawrence C. Kuo; Hans E. Huber; Vinod V. Sardana; Maricel Torrent; Youwei Yan | | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | | |
| <ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.3. <input type="checkbox"/> This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.4. <input checked="" type="checkbox"/> The US has been elected (PCT Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)]<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> has been communicated by the International Bureau.c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input type="checkbox"/> An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].<ol style="list-style-type: none">a. <input type="checkbox"/> is attached heretob. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]. - unsigned10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]. | | | |
| Items 11 to 20 below concern other document(s) or information included: | | | |
| <ol style="list-style-type: none">11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input checked="" type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).20. <input type="checkbox"/> Other items or information: | | | |



| | | | | | |
|---|--------------|---|------------|---|--|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) | | INTERNATIONAL APPLICATION NO. PCT/US2003/021145 | | ATTORNEY'S DOCKET NUMBER 21125YP | |
| 21. The following fees are submitted: | | | | | |
| <input checked="" type="checkbox"/> a) Basic national fee..... \$300.00 | | | | \$300.00 | |
| <input checked="" type="checkbox"/> b) Examination fee..... \$200.00 | | | | \$200.00 | |
| <input checked="" type="checkbox"/> c) Search fee \$500.00 | | | | \$500.00 | |
| TOTAL OF ABOVE CALCULATIONS = \$1000.00 | | | | \$1000.00 | |
| <input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| 288 - 100 = | 188 /50 | 3.76 = 4 | X \$250.00 | \$1000.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)]. | | | | \$130.00 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total Claims | 19 - 20 = | 0 | X \$50.00 | \$0.00 | |
| Independent Claims | 7 - 3 = | 4 | X \$200.00 | \$800.00 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$360.00 | \$0.00 | |
| TOTAL OF ABOVE CALCULATIONS (SUBTOTAL) = | | | | \$2,930.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date [37 CFR 1.492(f)]. | | | | + | |
| TOTAL NATIONAL FEE = | | | | \$2,930.00 | |
| Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. | | | | + | |
| TOTAL FEES ENCLOSED = | | | | \$2,930.00 | |
| | | | | Amount to be refunded: | |
| | | | | Amount to be charged: | |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$2,930.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u> . A duplicate copy of this sheet is enclosed. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: <div style="border: 1px solid black; padding: 2px; display: inline-block;">Customer No. 000210</div> | | | | | |
| MERCK & CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970 | | | | | |
| DATE: <u>January 7, 2005</u> PHONE #: <u>(732) 594-3046</u> | | | | <div style="text-align: center;"> SIGNATURE <hr/> Joanne M. Giesser NAME <hr/> <u>32,838</u> REGISTRATION NUMBER </div> | |